

REMARKS

Claims 1-27 are pending in this application. Claims 1-27 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, and as discussed with the Examiner, Applicants believe that the presently pending application is being examined by the wrong art unit. The presently pending claims are directed to ultrasound methods and devices, not to business methods. Accordingly, Applicants request reclassification and reassignment of the present application.

Applicants are also submitting herewith an Information Disclosure Statement (IDS) with a reference for consideration.

Claims 1-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan et al. (U.S. Patent 6,270,460), hereafter McCartan. Claims 20-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan in view of Ramamurthy et al. (U.S. Patent 7,156,551), hereafter Ramamurthy. Applicants respectfully traverse these rejections for at least the reasons set forth below.

Applicants have amended independent claim 1 to recite a method for tracking use of an ultrasound probe including, among other elements “storing probe identification information and different types of tracking information within a memory in a connector of an ultrasound probe removably connectable to an ultrasound system.” Applicants have also amended independent claim 24 to recite an ultrasound system including, among other elements “an ultrasound probe having a connector for removable connection to the ultrasound scanner, the connector having a memory for storing probe identification information and different types of tracking information.” Applicants submit that the cited references fail to anticipate or render obvious the method of claim 1 and the ultrasound system of claim 24.

Each of independent claims 1 and 24 now recite “storing probe identification information and different types of tracking information.” Although the cited references describe storing tracking information relating to an ultrasound probe, as well as probe identification information, none of the cited references disclose storing different types of tracking information. The cited references store only one type of tracking information, for example, the number of times that an ultrasound probe has been used (McCartan) or cumulative operation time information (U.S. Patent 5,487,386 to Wakabayashi). None of the cited references describe storing different types of tracking information (see, e.g., application as filed, paragraph 0029). Thus, Applicants submit that claims 1 and 24 are allowable.

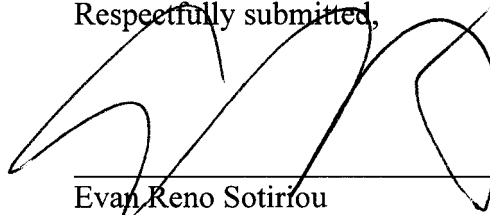
Independent claim 20 recites a method for tracking use of an ultrasound probe including, among other elements “accessing temperature information when a determination is made that the ultrasound probe is connected to the ultrasound system, the temperature information based on thermistor measurements from the ultrasound probe.” The Office Action asserts that although McCartan does not teach checking and storing temperature information, Ramamurthy makes up for this deficiency (Office Action, pages 5-6). The Office Action then states that the Ramamurthy reference teaches a method of checking faults in ultrasound equipment using temperature and it would have been obvious to one of ordinary skill in the art to “modify the system as disclosed by McCartan with the temperature-checking feature as disclosed by Ramamurthy as both are directed toward ensuring the proper functioning of ultrasound equipment and further, Ramamurthy teaches this as being used to upgrade ultrasound equipment already in use...” (Office Action, page 6). However, Ramamurthy specifically describes upgrading ultrasound equipment using software upgrades and NOT adding new hardware. For example, Ramamurthy discloses using changes in attenuation measurements to determine information. Upgrading ultrasound equipment already in use as taught by Ramamurthy means that the temperature is measured without the addition of new electronics or hardware retrofits of the transducer (see, e.g., Ramamurthy, column 1, lines 38-40). Thus, not only is there nothing in Ramamurthy that describes using thermistor measurements (because no thermistor is disclosed), it would not be obvious to add a thermistor to the probe of McCartan to measure temperature

because Ramamurthy teaches the measurement of temperature without the addition of such hardware. This upgrade without any change in hardware is the stated purpose of Ramamurthy. Accordingly, one skilled in the art would not be motivated to add a thermistor to the probe of McCartan based on the teachings in Ramamurthy. Thus, Applicants submit that independent claim 20 is allowable.

Applicants further submit that dependent claims 2-19, 21-23 and 25-27 recite further subject matter not anticipated or rendered obvious by the cited references. Moreover, dependent claims 2-19, 21-23 and 25-27 are likewise patentable based at least on the dependency of these claims from the independent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Date: November 11, 2008

Evan Reno Sotirifou
Registration No. 46,247
THE SMALL PATENT LAW GROUP LLP
225 S. Meramec, Suite 725
St. Louis, MO 63105
314-584-4082